

Members

Sen. Brent Steele, Chairperson
Sen. Brent Waltz
Sen. James Arnold
Sen. Jean Breaux
Rep. Vanessa Summers
Rep. John Day
Rep. Cleo Duncan
Rep. Phyllis Pond
Judge Marianne L. Vorhees
Greg DeVries
Robert Bishop
Bruce Pennamped



CHILD CUSTODY AND SUPPORT ADVISORY COMMITTEE

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Authority: IC 33-2.1-10-1

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MEETING MINUTES¹

Meeting Date: October 18, 2007
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Brent Steele, Chairperson; Sen. Brent Waltz; Sen. James Arnold; Rep. Vanessa Summers; Rep. John Day; Rep. Cleo Duncan; Rep. Phyllis Pond; Judge Marianne L. Vorhees; Greg DeVries; Robert Bishop; Bruce Pennamped.

Members Absent: Sen. Jean Breaux.

Senator Steele, Chairperson, called the first meeting of the Indiana Child Custody and Support Advisory Committee ("Committee") to order at 1:40 PM and asked the members of the Committee to introduce themselves.

Other Business

Senator Steele began the meeting with testimony from individuals present to discuss general child custody and support issues. Mr. Jim Liston, a child support paying

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

father and individual who works in the financial industry, discussed the need for accessible resources and information for parents going through divorces. He suggested that the Child Support Bureau's website should include a consumer friendly question and answer page for matters concerning child support.

Joe Dunagan, a noncustodial parent, introduced himself and provided a handout² to Committee members. He stated that he was concerned about the \$30 fee that noncustodial parents are required to pay every year for child support collection. He indicated that under IC 33-37-5-6, noncustodial parents are required to pay this fee. He stated that assessing the fee every year to the noncustodial parent was discriminatory and that the fee should either be split or paid one year by the custodial parent and the next year by the noncustodial parent.

A Study of Administrative Child Support Processes

_____ Mr. James Payne, Director of the Department of Child Services, stated that the stability of families is dependent on financial support for children. He indicated that studies show that when a noncustodial parent pays support, the noncustodial parent is more involved in the child's life. He noted that Indiana has made advances and improvements in child support collection. He stated that child support involves four issues: (1) establishing support; (2) collecting support; (3) disbursing support collected; and (4) collecting arrearage. He indicated that Wendy Yerkes, Deputy Director of the Child Support Bureau, had commissioned a white paper³ to study expedited child support processes. He stated that under federal performance standards and as noted in the white paper study, Indiana is not first in child support enforcement. He expressed that he and Wendy were coming to the Committee not with a request but to begin dialogue on how responsible groups can come together and make sure the system is effective and efficient in getting child support money to children.

Ms. Yerkes provided the Committee with a handout⁴ concerning the current players and structure of child support enforcement in Indiana. Ms. Yerkes discussed the increase in child support collection during her three years as deputy director. She noted that when she began employment as deputy director, the collection of child support was at 51% and today it is at 55%. She also stated that Indiana is ranked forty-seventh or forty-eighth in support collected compared to support owed. She indicated that four of the issues considered in child support enforcement performance include: (1) paternity establishment; (2) establishing the amount of child support; (3) collecting child support; and (4) disbursing child support. She stated that Indiana has made slow but steady progress in child support enforcement.

Ms. Yerkes stated that the highlights of the study include the following: (1) Indiana is one of the few states that has received a "highly judicial" rating. (2) Other states use more administrative processes in enforcing child support. (3) Some of the states that are the most successful in enforcing child support are states that are rated as quasi-judicial. She also indicated that Indiana has a caseload that is growing every year but the number of caseworkers has not increased in a proportionate rate to the increase in the caseload. Ms. Yerkes requested that the Committee address the rather large issue of possible

² Exhibit 1

³ Exhibit 2

⁴ Exhibit 3

changes to child support enforcement in Indiana. She stated that she wanted to bring this research to a larger group of people to start discussion on this issue. In response to a Committee member's question concerning how a county could do better in collecting arrearage than in collecting current child support, Ms. Yerkes indicated that the federal government measures arrearage differently than current child support, and therefore, some counties have a higher rating in collecting arrearage than they do in collecting current child support.

In response to a Committee member's question, Ms. Yerkes indicated that she has met with groups informally about this issue. She also stated that she would be interested in sharing the white paper with anyone who is interested. She also testified that at the county level, the IV-D offices are challenged because of budget limitations, and that the IV-D offices have a high ratio of caseload to caseworker. She said that the state should take a look at adding caseworkers if child support enforcement becomes more administrative.

Other Business

Mr. Steve LeFebvre, a parent, spoke to the Committee about his three year custody battle. He stated that the lower court awarded him sole custody of his child but that the court of appeals overturned the decision. He indicated that he has spent \$100,000 in attorney's fees. He said that he supported legislation for the presumption of joint custody. Senator Steele asked if Mr. LeFebvre supported legislation for joint legal custody or joint physical custody and noted that the legislature is not supposed to get involved in active litigation. Mr. LeFebvre indicated that he was in favor of legislation for the presumption of joint legal custody.

Parenting Coordinators

Mr. Bruce Pennamped, member of the Committee, provided a handout⁵ to Committee members concerning the Indiana parenting coordination guide. He explained that parenting coordinators act as adjunct officers of the court in trying to reach an agreement between the parties.

Mr. Christopher Barrows, an attorney, testified that he had been an attorney for eight years. He indicated that new tactics were needed to address conflict in family law. He stated that the courts are busy, and a parenting coordinator can deal with day to day issues, such as scheduling of parenting time. He also indicated that attorney fees can make resolution of these issues expensive. In response to a question from a Committee member, Mr. Barrows indicated that a court can appoint a parenting coordinator under IC 31-17-2-10, which permits a court to seek the advice of professional personnel.

In response to questions from Committee members concerning the difference between mediators and parenting coordinators, Mr. Barrows indicated that parenting coordinators resolve issues over a longer period of time and mediators are generally used to resolve issues one time. Mr. Pennamped further noted that, unlike mediators, a parenting coordinator makes a decision that is subject to review by a court. In response to questions concerning whether a parenting coordinator's decisions is binding, Mr. Barrows indicated that a parenting coordinator's decision may possibly be binding because the judge ordered the parties to use a parenting coordinator to resolve issues.

⁵ Exhibit 4

Dr. Randall Krupshaw, a clinical child psychologist, indicated that parenting coordination is essential. He indicated that ten to fifteen percent of parents continue to have conflict after divorce. He said studies show that conflict has a negative impact on children. He noted that parenting coordinators are worried about lawsuits and that the state needs more parenting coordinators. In response to a question by a Committee member, Dr. Krupshaw indicated that some insurance carriers say they will cover parenting coordinators and some say they will not cover parenting coordinators.

Adjournment

There being no further business to conduct, Senator Steel adjourned the meeting at 3:20 PM.